

App. No 09/031,842
Amdt. Dated December 1, 2003
Reply to Office Action of July 31, 2003

REMARKS/ARGUMENTS

The present amendment is submitted in response to the Final Office Action dated July 31, 2003, which set a three-month period for response. Filed herewith is a Request for a One-Month Extension of Time, making this amendment due by November 30, 2003 or Monday, December 1, 2003.

Claims 11-19 are pending in this application.

In the Office Action, claims 11, 12, and 13 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,281,974 to Scheiner et al. Claims 14-19 were rejected under 35 U.S.C. 103(a) as being unpatentable over Scheiner et al.

As noted in the Applicants' amendment filed June 10, 2003, the Applicants reviewed not only the cited reference to Scheiner '974, but also the parent application to the Scheiner '974 patent (09/092,378, filed June 5, 1998, of which the Scheiner '974 reference is a CIP). The Applicants compared the Scheiner '974 case with the '378 parent case, and determined that the same subject matter of Scheiner '974 was disclosed in the '378 application. Thus, for purposes of relevance of the cited reference to the pending application, the relevant date is the priority date of Scheiner '974, or June 5, 1998.

Upon review of the parent case to Scheiner, the Applicants determined further that the subject matter of the present invention was already invented prior to June 5, 1998, and indeed, prior to the priority date of the present application itself, March 18, 1998. Thus, the cited reference to Scheiner is not a valid reference to support the cited grounds of rejection, since the present invention was conceived and invented prior to the priority date of this reference.

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In support of the above, the Applicants submitted in the previous amendment nine attachments, which showed conception and invention of the subject matter of the present invention prior to the priority date of the cited reference to Scheiner '974.

As requested in the Final Office Action, filed concurrently with this amendment is a declaration signed by the inventors, attesting to the dates of the attachments and the relevant dates of conception and invention of the present invention.

Attached to this amendment are further screenshots of the index structure of the computer of the inventor, in which computer the development environment and the database for documenting the invention were stored. These screenshots provide further proof for the previous existence and conception of the present invention. The inventor, however, did not include these screenshots in the declaration, because the amount of data would be much too large. The previously submitted documents already clearly indicate that the invention was actually conceived and developed at least by March 1998.

In conclusion, the previously submitted attachments I through IX and the concurrently submitted Declaration show that the invention already was conceived and known prior to the priority date, that is, the first application date, of the Scheiner '974 reference. Therefore, the Applicants respectfully submit that this is not a valid reference for supporting the rejection of claims 11-19 under 35 U.S.C. 102 and 103. Furthermore, the Applicants respectfully request withdrawal of this rejection and an allowance of the present application.

In light of the foregoing arguments in support of patentability, the Applicants respectfully submit that this application now stands in condition for allowance. Action to

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this end is courteously solicited.

Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully Submitted,



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for applicant(s)

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